# **EXHIBIT 6**

## **BERGER SINGERMAN**

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October 11, 2022

#### **VIA FEDERAL EXPRESS AND EMAIL**

Focus Camera, Inc. 895 McDonald Avenue Brooklyn, New York 11218

Attn: Abraham Berkowitz, President (aberkowitz@focuscamera.com)

Attn: Michael Silberstein, Executive Vice President (<u>msilberstein@focuscamera.com</u>)

Re: Demand for Immediate Withdrawal of Complaint 10941177051 to Amazon.com

Dear Messrs. Berkowitz and Silberstein:

This firm represents GM Photo, LLC ("<u>GM Photo</u>") in connection with Focus Camera, Inc.'s ("<u>Focus</u>") false trademark infringement and counterfeit complaint to Amazon.com on ASIN B081L5HJBP, or Complaint ID: 10941177051 (the "**False Amazon Claim**"). *See* Exhibit 1.

By this letter, GM Photo demands immediate withdrawal by Focus of the False Amazon Claim by October 14, 2022. The False Amazon Claim has resulted in GM Photo's delisting of ASIN B081L5HJBP and is causing our client money damages and additional harm. Focus' failure to withdraw the False Amazon Claim by October 14, 2022, will result in GM Photo having no option but to escalate this dispute by soon commencing a lawsuit against Focus for damages and injunctive relief.

GM Photo's potential claims against Focus include but may not be limited to unfair trade practices, unfair competition, commercial defamation, trade libel, tortious interference with business relations, or trademark misuse in violation of the Lanham (Trademark) Act of 1946. GM Photo reserves all rights.

Sincerely,

Berger Singerman LLP

Alejandro Miyar

Alejandro Miyar

cc: GM Photo, LLC

Gabriel Berg, Esq. (GBerg@RobinsKaplan.com)

11648746-1

### **EXHIBIT 1**

----- Forwarded message -----

From: <a href="mailto:notice-dispute@amazon.com">notice-dispute@amazon.com</a>>

Date: Sun, Oct 9, 2022 at 12:14 AM Subject: Notice: Policy Warning To: <shutteramazon@gmail.com>

Hello,

We removed some of your listings because we received a report from a rights owner that they may infringe the rights owner's trademark. The rights owner communication about the alleged infringement and the listings we removed are at the bottom of this message.

#### Why did this happen?

We received a report from a rights owner that one or more of your listings are inauthentic. Listing content infringing on the intellectual property of others is against our policies.

#### We're here to help.

If you need help understanding why your listings may infringe the intellectual property rights of others, please search for "Intellectual Property Policy" in Seller Central Help (https://sellercentral.amazon.com/gp/help/external/201361070).

#### How do I reactivate my listing?

Please provide the following to reactivate your listings:

-- An invoice, letter of authorization, or a licensing agreement from the manufacturer or rights owner demonstrating that your products are lawful. External links are not accepted. For security reasons, we only accept attachments in the following file formats: .jpeg, .jpg, .pjpeg, .gif, .png, .tiff.

#### How do I submit this information?

Go to Received Intellectual Property Complaints under the Product Policy Compliance section in account health (<a href="https://sellercentral.amazon.com/performance/dashboard?ref=ah\_em\_mpa">https://sellercentral.amazon.com/performance/dashboard?ref=ah\_em\_mpa</a>) and locate the deactivation record for this product listing. Click on the Appeal button next to the listing deactivation record to submit information necessary to reactivate your listing.

#### Have your listings been removed in error?

If you have never sold or listed the product, please reach out to us and tell us.

If you think that the rights owner has made an error in sending the notice, please reach out to the rights owner and ask them to submit a retraction of this notice. We may only accept retractions that the rights owner submits to us directly. We do not accept forwarded or attached retractions.

#### These are the rights owner's contact details:

-- C.Kirzner

-- ckirzner@focuscamera.com

For any other reason, please explain to us why you were warned in error so that we can investigate the

case.

What happens if I do not provide the requested information?

Your listings will remain inactive. We reserve the right to destroy the inventory associated with this violation if proof of authenticity is not provided within 60 days. Violating this policy may also result in the loss of selling privileges or other legal consequences.

ASIN: B081L5HJBP

Infringement type: Counterfeit Trademark asserted: 960842 Complaint ID: 10941177051

You can view your account performance

(https://sellercentral.amazon.com/performance/dashboard?reftag=email\_warn) or select Account Health on the home screen of the Amazon Seller app on your iOS or Android device. The Account Health dashboard shows how well your account is performing against the performance metrics and policies required to sell on Amazon.

- -- iOS: https://itunes.apple.com/us/app/amazon-Seller/id794141485
- -- Android: https://play.google.com/store/apps/details?id=com.amazon.sellermobile.android&hl=en